

AMERICAN BIRD CONSERVANCY * AMERICAN BIRDING ASSOCIATION * AMOS W. BUTLER
AUDUBON SOCIETY * ARCHBOLD BIOLOGICAL STATION * AUDUBON NATURALIST SOCIETY OF
THE MID-ATLANTIC STATES * AUDUBON PENNSYLVANIA * BIRD STUDIES CANADA * CORNELL
LABORATORY OF ORNITHOLOGY * DEFENDERS OF WILDLIFE * ENVIRONMENTAL DEFENSE *
GREAT BASIN BIRD OBSERVATORY * GULF COAST BIRD OBSERVATORY * HAWK MIGRATION
ASSOCIATION OF NORTH AMERICA * HAWK MOUNTAIN SANCTUARY ASSOCIATION * HUMANE
SOCIETY OF THE U.S. * ILLINOIS AUDUBON SOCIETY * MADISON AUDUBON SOCIETY * MANOMET
CENTER FOR CONSERVATION SCIENCES * MARYLAND ALLIANCE FOR GREENWAY IMPROVEMENT
AND CONSERVATION * MARYLAND ORNITHOLOGICAL SOCIETY * MASSACHUSETTS AUDUBON
SOCIETY * NATIONAL AUDUBON SOCIETY * NATURAL HISTORY MUSEUM OF LOS ANGELES
COUNTY * NEW JERSEY AUDUBON SOCIETY * OPERATION MIGRATION * OSHKOSH BIRD CLUB
* RARE CENTER FOR TROPICAL CONSERVATION * RIVEREDGE BIRD CLUB * SEATTLE AUDUBON
SOCIETY * SPECIALIST GROUP ON STORKS, IBISES AND SPOONBILLS * TENNESSEE
ORNITHOLOGICAL SOCIETY * VIRGINIA SOCIETY OF ORNITHOLOGY * WISCONSIN SOCIETY FOR
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November 11, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20054

Re: WT Dkt. No. 03-187, FCC 03-205

Dear Commissioners:

These comments are submitted on behalf of the 33 undersigned organizations, representing millions of Americans, in response to the FCC Notice of Inquiry on the Effects of Communication Towers on Migratory Birds, in the Federal Register of September 12, 2003, WT Dkt. No. 03-187, FCC 03-205. We write to urge the FCC to stop the stalling and act to require preventative measures on all existing and new communications towers to prevent avian mortality. We suggest that the FCC adopt the September 2000 U.S. Fish and Wildlife Service (FWS) Guidelines for siting and construction of communication towers by the FCC. These measures, supported by the best available data, indicate that co-location, keeping towers under 200', avoiding guy wires, minimizing lighting, and using only white strobes at minimum required pulse rates would greatly reduce, if not eliminate, avian mortality.

The FWS, scientists, and some of the undersigned have provided extensive data to the FCC amply documenting the killing of migratory birds at communication towers. Long term studies at a single Florida TV tower and a single Wisconsin TV tower document the killing of over 165,000 birds of nearly 200 species, and the FCC has these studies. Studies the FCC already has indicate that **over 90% of the birds killed are neotropical migratory birds, and most migrate and are killed at night**. Alarmingly, the birds killed include several endangered species and over 50 species on the FWS Birds of Conservation Concern List (2002), meaning special attention is needed to properly manage these species. For example, the Cerulean Warbler is on the 2002 list and a listing petition has been filed under the Endangered Species Act for this bird.

We will not cite the many published studies and reports of avian mortality at towers but note that

the Director of the FWS wrote the FCC in 1999 urging action in completing a NEPA EIS on tower kills, which the FCC rejected. In that letter, the Director references data that indicate the annual killing of migratory birds from communication towers may be 4 million to an order of magnitude above this. The Director advised the FCC that “The cumulative impacts of the proliferation of communication towers on migratory birds, added to the combined cumulative impacts of all other mortality factors, could significantly affect populations of many species.”

We believe that the FCC should comply fully with the Migratory Bird Treaty Act, NEPA, and the ESA and that the FCC should act now to adopt measures to prevent further avian mortality at communication towers.

Sincerely,

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